THE HON'BLE SMT JUSTICE T MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P LAKSHMANA REDDY

WRIT PETITION No. 20707 OF 2005

Dated 22-09-2005

Between:

M. Gangadharam, s/o. M. Krishnaiah,

Aged 46 years, Occ; Superintending Engineer (R&B)

Designs & Planning, O/o. Engineer-in-Chief (R&B)

Erramanjil, Hyderabad. ..Petitioner

And

1. The Government of Andhra Pradesh,

Rep. by its Principal Secretary, R&B Department,

Secretariat Buildings, Hyderabad

And 8 others. ..Respondents

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ORDER (per the Hon'ble Smt. Justice T. Meena Kumari) :

01. The present writ petition is filed against the order of refusal to grant interim orders by the A.P. Administrative Tribunal, Hyderabad.

02. It is argued before this Court by the learned Counsel for the petitioner that the petitioner belongs to Scheduled Tribes and as per the Amendment to Article 16 (4A) of the Constitution of India he is entitled to the next promotion to the post of Chief Engineer after applying Rule of Reservation. It is further argued that the respondents are not filling up the post of Chief Engineer by applying the rule of reservation though the petitioner is entitled for the promotion in the 5th vacancy. It is further contended by the learned Counsel that the respondents are making only in-charge arrangements by issuing different G.Os and are not taking any action in filling up of the said post by giving regular promotions.

03. In view of the above contention, as the action of the respondents 1 & 2 has been challenged, it should be adjudicated in the main O.A. But in view of the statement made before this Court that the petitioner is entitled to be considered for promotion as per the Rule of Reservation, we deem it appropriate to direct the respondents 1&2 herein to consider the case of the petitioner for the next promotion, if he is entitled to the same, by taking into consideration of the present rules and guidelines that are in force after adopting the amendment to Article 16(4A) of the Constitution of India, pending disposal of the O.A. However, we are inclined to direct the Tribunal to dispose of the O.A No. 5414 of 2005 within three months from the date of receipt of a copy of this order.

04. With the above observations, the writ petition is disposed of. No costs.

T. MEENA KUMARI, J

P. LAKSHMANA REDDY, J

Dt. 22.9.2005

kvrk

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WRIT PETITION No. 20707 OF 2005

(per Hon'ble Smt. Justice T Meena Kumari,)

22nd September 2005